control and fluctuating power and irrigation demands;

2. Permit the discharge of water for generation of power at Boulder Dam which otherwise would be required to be retained in storage for river regulation, improvement of navigation, flood control, irrigation, and domestic uses;

3. Permit the conservation for irrigation and domestic uses and satisfaction of present perfected rights of waters required to be discharged at Boulder Dam for improvement of navigation, river and flood control, and power generation.

III

That said Parker Dam Project has heretofore been duly included by the Federal Emergency Administrator of Public Works in the comprehensive program of public works referred to and authorized by Section 202, Title II, of the National Industrial Recovery Act (48 Stat. 195) by which Congress provided for the construction, financing, or aid in the construction or financing, of river and harbor improvements.

IV

That as provided by said Act and pursuant thereto the Chief of Engineers of the United States Army has recommended the construction of said Parker Dam Project and said recommendation has received the approval of the Secretary of War.

V

That the Colorado River is a navigable interstate stream flowing between the States of Arizona and California and emptying into the Gulf of California and forms the boundary between said States for a distance of approximately two hundred and thirty-seven miles. That said Bill Williams River rises in Arizona, flows 132 miles therein, and enters the Colorado River approximately one-half mile above said Parker Dam. The flow of said Bill Williams River ranges from 9 cubic feet per second to over 50,000 cubic feet per second. It is subject to flash floods of short duration but heavy volume, which are a constant menace to the lands of the Colorado River Indian Reservation and public lands of the United States in Arizona and California as well as to the navigation of the Colorado River below the site of the Parker Dam.

VI

That the United States is required by the provisions of the Boulder Canyon Project Act (45 Stat. 1057) to utilize Boulder Dam, first, for river regulation, improvement of navigation, and flood control; second, for irrigation and domestic uses and satisfaction of present perfected rights in pursuance of Article VIII of the Colorado River Compact; and third, for the generation of power.

VII

That the Secretary of the Interior has heretofore, pursuant to Sections 4 and 5 of said Act and general regulations promulgated by him on April 25, 1930, amended March 10, 1931, July 1, 1931, and November 16, 1931, entered into contracts for the generation and sale of electric energy at Boulder Dam, upon which the United States is dependent for the amortization of the cost of said Dam and appurtenant works.

VIII

That the construction of the Boulder Dam and the Parker Dam pertain to the same general public purposes as expressed by the Congress in enacting legislation for the regulation, control, and improvement of the Colorado River System, including the regulation of the Colorado River respecting navigation.

IX

Parker Dam is located about 10 miles above the northern boundary of the Colorado River Indian Reservation, and is so designed, as to structure, reservoir capacity, outlet works, and power plant, as to promote the reclamation and irrigation of lands within said reservation, now largely arid, and of public lands of the United States. The lands within said reservation, and said public lands, were acquired by the United States from Mexico under the Treaty of Guadelupe Hidalgo, February 2,

1848 (9 Stat. 922). Said reservation was established by the Act of Congress of March 3, 1865 (c. 127, 13 Stat. 541, 559), and at the date of said statute embraced about 75,000 acres riparian to the Colorado River in Arizona. Said reservation was enlarged by Executive Orders of November 22, 1873, November 16, 1874, May 15, 1876, and November 22, 1915, and now embraces an area of about 232,990 acres, of which 150,000 acres riparian to the Colorado River are irrigable. By the Act of March 2, 1867 (c. 173, 14 Stat. 492, 514), the Congress appropriated $50,000 for the purpose of constructing diversion and irrigation works for said reservation, and by the Act of July 27, 1868 (c. 248, 15 Stat. 198, 222), an additional $50,000 was appropriated for like purposes. That at various times since said last-named date Congress has appropriated further and additional amounts for similar purposes. That the total appropriations made by Congress for said purposes exceed $1,359,000. On January 31, 1903, the Secretary of the Interior withdrew, pursuant to Section 3 of the Reclamation Act (c. 1093, 32 Stat. 388), all lands in Arizona lying within six miles of the Colorado River west of the 114th meridian. Said area so withdrawn includes, among other areas, the site of Parker Dam, and all lands between Parker Dam and the Colorado River Indian Reservation within six miles of the Colorado River. By the Act of April 21, 1904 (c. 1402, 33 Stat. 189, 224), the Congress authorized the Secre-

tary of the Interior to divert the waters of the Colorado River and to reclaim, utilize, and dispose of any land in said reservation which might be made irrigable by works constructed under the Reclamation Act. By the Act of April 4, 1910 (c. 140, 36 Stat. 269, 273), the Congress appropriated $50,000 for the purpose of securing an appropriation of water for the Colorado River Indian Reservation. By the Act of June 20, 1910 (c. 310, 36 Stat. 557, 570), the Congress authorized the admission of Arizona as a State, providing therein, among other things:

> Seventh. That there be and are reserved to the United States, with full acquiescence of the State, all rights and powers for the carrying out of the provisions by the United States of the Act of Congress entitled "An Act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands", approved June seventeenth, nineteen hundred and two, and Acts amendatory thereof or supplementary thereto, to the same extent as if said State had remained a territory.

By the Act of December 21, 1928 (c. 42, 45 Stat. 1057), the Congress ratified the Colorado River Compact (Article VII whereof provides that nothing in said compact shall be construed as affecting the obligations of the United States of America to Indian tribes), authorized the construction of

Boulder Dam and authorized the appropriation of moneys for surveys of the Parker-Gila Valley reclamation project embracing the said Colorado River Indian Reservation and certain public lands of the United States. Approximately 150,000 acres of the lands within the Colorado River Indian Reservation are irrigable, but require pumping of waters of the Colorado River or diversion of said waters by a dam and canal, for such purposes. There are, in addition, below Parker Dam several hundred thousand acres of public lands of the United States lying along and near the Colorado River, irrigable by the waters of said river in like manner. Parker Dam is so designed as to generate the equivalent of about 85,000 continuous horsepower of electric energy, of which, as hereinafter set forth, the United States has reserved at least one-half for use in pumping waters of the Colorado River for irrigation of said Indian and public lands. The electric power privilege so reserved is sufficient to enable the reclamation of all lands within said reservation at a cost less than is feasible by any other method. In addition, said dam is so designed as to enable the diversion of waters of the Colorado River thereat by means of a canal at an elevation sufficient to irrigate all of said reservation and large areas of public lands.

X

For the purpose of carrying out the provisions of the Acts of Congress authorizing the construc-

tion of the Parker Dam in the bed of the Colorado River at the place hereinbefore set out, and pursuant to the paramount constitutional powers of the United States, a contract was made and entered into on February 10, 1933, between the United States, acting by and through the Secretary of the Interior, and the Metropolitan Water District of Southern California, a public corporation organized and existing under and by virtue of the laws of California. This contract, among other things, provides that the District shall advance to the United States from time to time sums not to exceed $13,000,000, and the United States shall construct by means of such funds, pursuant to the provisions of the Reclamation Act (c. 1093, 32 Stat. 388), and Acts supplemental thereto, particularly the Act of March 4, 1921 (c. 161, 41 Stat. 1367, 1404), the Act of April 21, 1904 (c. 1402, 33 Stat. 189, 224), and the Act of December 1, 1928 (c. 42, 45 Stat. 1057), the project referred to therein and in this bill of complaint as Parker Dam, for the purposes of controlling floods of the Colorado River and its tributaries below Hoover (Boulder) Dam, improving and regulating navigation, providing for the protection and reclamation of the lands within the Colorado River Indian Reservation in Arizona and public lands of the United States in Arizona, and for the re-regulation of the waters discharged in the operation of Hoover (Boulder) Dam, required by the provisions of the

Boulder Canyon Project Act (c. 42, 45 Stat. 1057). By said contract the United States has reserved the right to control all waters passing said Parker Dam when constructed; the right, without contribution by the United States to the cost of the Dam, to one-half the power privilege created thereby for use in the irrigation and drainage of lands in Arizona within the Colorado River Indian Reservation as now constituted and the Gila or Parker-Gila Project; the right to have power transmitted over lines of the Metropolitan Water District of Southern California from Hoover (Boulder) Dam to the Parker Dam at cost for use in the Colorado River Indian Reservation and the Gila or Parker-Gila Project; the right to connect the Parker Dam and/or reservoir created thereby, by means of a canal, including such outlet and diversion features as may be necessary or advisable, with lands within the Colorado River Indian Reservation as now constituted and with public or other lands in Arizona or California; and the right to divert such quantities of water as may be consistent with the Colorado River Compact and the said Boulder Canyon Project Act.

Said contract further provides that the Metropolitan Water District of Southern California shall be entitled to certain rights, including one-half the power privilege created by the proposed Parker Dam, and the right to divert water from said dam and/or the reservoir created thereby in

such quantities as may be consistent with the Boulder Canyon Project Act, the Colorado River Compact, and certain contracts previously entered into between the United States and said District pursuant to the provisions of the said Boulder Canyon Project Act.

The contract further provides that the United States shall operate and maintain said reservoir, dam, and outlet works, and that title to the dam and other structures related thereto shall remain in the United States.

The contract further provides that as far as practicable the works comprising the Parker Dam shall be constructed co-incidentally with the construction of Hoover (Boulder) Dam and the filling of the reservoir created by the erection of said last-named dam.

XI

It is essential that the excavation for the foundation of Parker Dam to the depth of 240 feet below the present bed of the Colorado River be completed and that all subwater work on said structure be constructed and finished during the period in which Hoover (Boulder) Dam is under construction and before the operation of said Hoover (Boulder) Dam, as required by the Boulder Canyon Project Act, necessitates large discharges of water from its impounding reservoir; otherwise the feasibility and cost of construction will be seriously and adversely affected.

XII

That after construction work on the Parker Dam had been commenced by the United States, and while construction work was in progress, pursuant to its contract with the Metropolitan Water District of Southern California, and, to wit, on or about November 7, 1934, the defendant, the State of Arizona, acting by and through her Governor, wrongfully and without warrant of law and in contravention of the sovereign rights and powers of the United States, threatened to prevent and did in fact prevent the construction of the work already commenced in relation to the erection of said Parker Dam; that on said date the Governor of the State of Arizona by wire advised the Secretary of the Interior of the United States and the engineer in charge of the construction of Parker Dam that the construction work then in progress, to wit, the Parker Dam could not lawfully go forward without the consent of the State of Arizona and that said State had not consented thereto; that the State of Arizona would not so consent until her rights in the waters of the Colorado River had been satisfactorily settled, and that in the event the work of constructing Parker Dam should be prosecuted to a point "where a trespass upon Arizona's rights is involved, it will be my duty as Governor of Arizona to use all means and force at my command to stop and prevent such work and to repel any invasion of Arizona's rights."

Following the transmission of said wire, the Governor of the State of Arizona, on November 10, 1934, issued an order proclaiming martial law in the area immediately adjacent to the Parker Dam location on the Arizona side of the Colorado River.

Following the order of the Governor of the State of Arizona, by which the said Governor undertook to establish martial law, the State Militia was dispatched to the vicinity of the Parker Dam site for the avowed purpose of preventing further operations by the United States pursuant to its contract hereinbefore mentioned. That notwithstanding that no rights or authority of the State of Arizona were or could be jeopardized or adversely affected by the construction of said Parker Dam, the defendant, the State of Arizona, and its Governor arbitrarily, wrongfully, and unlawfully sought to oppose and did in fact oppose and prevent the United States from proceeding with the construction of the public improvement above mentioned, and against the supreme and paramount power and authority of the United States as expressed by the Federal Constitution and Acts of Congress pursuant thereto. Although the officers of the United States in charge of the administration and construction of the Parker Dam Project had the right to rely confidently upon the constitutional and statutory powers of the United States to proceed with the further construction of said project and complete the same, it was resolved in the interest of peace and tran-

quillity, and to prevent armed conflict, to suspend further operations, and to submit to the decision of this Court the rights of the United States to construct said Parker Dam and to proceed to the completion thereof under the terms of its contract with the Metropolitan Water District of Southern California. That unless the defendant, the State of Arizona, its officers and agents, are prevented from interfering with the construction and erection of said Parker Dam the constitutional power and authority of the United States in respect of the control of navigable rivers in aid of navigation and the use thereof in the creation of public works for the material advantage and benefit of the public will thereby be defeated and set at naught.

XIII

Plaintiff has no plain, speedy, and adequate remedy at law and unless the defendant, the State of Arizona, and its officers, representatives, and agents are restrained and enjoined from interfering with the construction of said Parker Dam great and irrevocable damage and injury to the United States, the plaintiff herein, will result.

WHEREFORE, the plaintiff, the United States of America, prays:

(*a*) That the defendant, the State of Arizona, be required to appear and answer this bill of complaint and therein to specifically set forth the nature and extent of its asserted right to interfere

with the construction by the United States of said Parker Dam.

(*b*) That any and every such asserted claim of right be adjudged and decreed to be null and void.

(*c*) That all interference and threatened interference by the State of Arizona, its officers, agents, and employees, with the construction of Parker Dam be restrained pending the final determination of this action.

(*d*) That the defendant, the State of Arizona, its officers, agents, and employees, be forever enjoined from interfering in any manner whatsoever with the construction, operation, and maintenance of Parker Dam and appurtenant works by the United States, its officers, agents, and employees.

(*e*) That the plaintiff, the United States of America, have such other and further relief as it may be entitled to in equity and good conscience.

HOMER S. CUMMINGS,
Attorney General.

J. CRAWFORD BIGGS,
Solicitor General.

JANUARY 1935.

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